

Remarks

This amendment is submitted in responses to the Official Action mailed December 9, 2004.

Review and reconsideration of this application are respectfully requested.

Claims 1-11 and 13-18 are pending in this application.

In response to the restriction requirement by the Examiner, claims 19-34 have been canceled.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kertesz (DE 4405409C1 abstract only; patent did not print) in view of Sadler (GB-2258767A) and Shida et al (US 4,481,262).

The Examiner alleges that Kertesz teaches fuel hoses (title) contains aluminum cores with high density polyethylene outer and inner layers (second and third sentences of abstract).

Sadler is cited as teaching carbon fibers in conductive inner layers (abstract).

Shida is cited as teaching linear low density polyethylene (LLDPE) reacted with anhydrides, which reactive products are useful in adhesives for use with olefin polymer and aluminum substrates to make composite tubes.

The Examiner states that it is desirable to make fuel tubes having conductive layers to dissipate static electric charges therein and good interlayer adhesion to prevent delamination. The Examiner further states that, in the absence of convincing evidence to the contrary, the process limitations of claim 9 are not deemed relevant to the patentability of the tube claimed.

With respect to the Examiner's specific citation in the Kertesz reference, Applicant suggests that Kertesz actually teaches a fuel hose having a smooth section and a corrugated section. The smooth section is multilayered wherein the outer layer (11) is high density polyethylene and the inner layer (13) is a polyamide, or both layers are polyamide. This is consistent with the rest of the abstract wherein Kertesz states that the corrugated section of the hose is of a polyamide, or it is composed of two layers where the outer layer is a polyolefin and the inner layer is a polyamide. Accordingly, applicant contends that Kertesz teaches a smooth section of hose containing multilayers in which the inner layer is a polyamide, the middle layer is aluminum and the outer layer is a polyamide or a polyolefin.

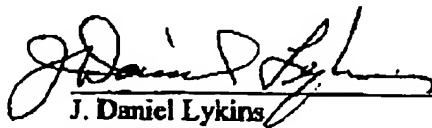
On the other hand, the present invention is directed to a multiplayer hose wherein the inner layer is a high density polyethylene, the middle layer is aluminum and the outer layer is a non-conductive polymeric material, which does not include a polyamide. The outer layer is preferably a high density polyethylene.

Applicant submits that the cited secondary references to Sadler and Shida cannot be effectively combined with the primary reference to Kertesz to support obviousness of the present invention, because there is no teaching in any of the references to a multiplayer hose having an inner layer of high density polyethylene, a middle layer of aluminum and an outer layer of a non-conductive polymeric material which specifically precludes a polyamide. Accordingly, it is believed that this rejection can be withdrawn.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance, and an early indication thereof is earnestly solicited.

Respectfully requested;

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